

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 365

Case No. 365

File 870798G

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad
(Former Missouri Pacific Railroad Company)

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when B&B Foreman B. R. Whitehead, Carpenter B. R. Whitehead, Jr. and Hoisting Engineer H. D. Whitehead were dismissed from the service.

(2) Claim in behalf of the above employees for eight hours each work day, including any holidays falling therein, and any overtime that would have accrued to them had they not been dismissed. Claim beginning August 7, 1987, and continuing until reinstated to service with seniority and vacation rights unimpaired.

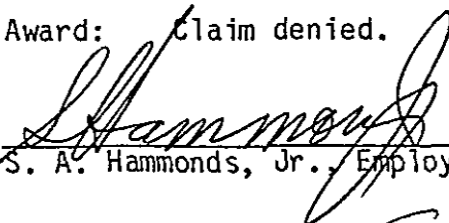
Findings: The Board has jurisdiction by reason of the parties Agreement establishing this Board.

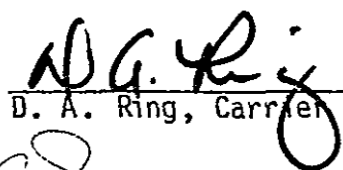
A fight occurred on company property at Kenefick, Texas on August 5, 1987 involving 4 employees. A formal investigation concerning the circumstances surrounding that fight was held on August 12, 1987. Carrier dismissed the three Claimants as discipline. However, it did not give any discipline to Shane Dauphine.

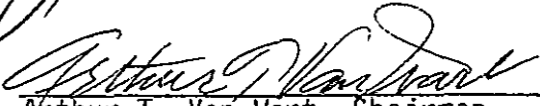
There was sufficient evidence adduced to support Carrier's conclusion as to who was provoking the fight, i.e., the Whiteheads. That Dauphine was not disciplined is not inconsistent with the record. He only would have had to fight the three Whiteheads.

The discipline imposed, suspension until June 21, 1988, was not unreasonable. This claim will be denied.

Award: Claim denied.


S. A. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member